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State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Bureau of Environmental Field Services, Livestock Waste Management Section, will conduct a public hearing at 10:00 a.m. Thursday, October 14, 2021, to receive public comment regarding the adoption of proposed amended Livestock Waste Management regulations K.A.R. 28-18-1, 28-18-14, 28-18-16, 28-18-17, and 28-18a-24.

Due to recent concerns regarding COVID-19, only remote public participation is available. To participate in the Zoom webinar public hearing, register at https://us02web.zoom.us/webinar/register/WN_A8Mx8swsSbeBoVATyc1hiw. During the public hearing, all interested individuals will be given a reasonable opportunity to present their comment orally on the proposed regulations. It is requested that each individual giving oral comment provide a written copy of the comment for the record prior to the hearing by email or postal mail to the email or postal mailing address listed in this notice or by fax to the fax number also listed in this notice. In order to give each individual an opportunity to present their comment, it may be necessary for the hearing officer to request that each presenter limit an oral presentation of comment to an appropriate time frame.

Individuals are also encouraged to participate in the public hearing by submitting written comment prior to 5:00 p.m. on the day of the hearing. The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comment on the proposed amended regulations. Submit written comment, including a written copy of oral comment, to Erich Glave, Director, Bureau of Environmental Field Services, Kansas Department of Health and Environment, 1000 SW Jackson, Suite 430, Topeka KS 66612, by email to kdhe.feedlots@ks.gov or by fax to 785-559-4258.

A summary of the proposed regulations and estimated economic impact follows:

Summary of Regulations:

K.A.R. 28-18-1. Definitions. Adds the defined term "authorized representative." Updates sections listed in the definition of "Equus Beds" according to the order signed July 7, 2017, expanding the boundaries of the Equus Beds Groundwater Management District No. 2. Clarifies the defined term "significant water pollution potential." Updates referenced regulations used to define "water quality standards."

K.A.R. 28-18-14. Inspections. Updates terms and provides uniform requirements for inspections at all confined feeding facilities.

K.A.R. 28-18-16. Waste-retention lagoon or pond closure requirements. Provides that an operator shall submit a waste-retention lagoon or pond closure plan to the department by paper copy or by electronic transmission of the plan.

K.A.R. 28-18-17. Groundwater protection requirements for waste-retention lagoons or ponds and waste treatment facilities. Allows for electronic submission of seepage test results and cites the updated data in the "Kansas Surface Water Quality Standards: Tables of Numeric Criteria" adopted by reference in K.A.R. 28-16-28e.

K.A.R. 28-18a-24. Financial assurance for swine waste-retention lagoon or pond closure. Corrects an error referencing non-existent K.A.R. 28-18-22(d).

Economic Impact:

Cost to the agency: The proposed regulations will not result in increased costs to the agency.

Cost to the regulated community and public: The proposed regulations will not result in increased costs to the regulated community and public.

Cost to other governmental agencies or units: The proposed regulations will not result in increased costs to other governmental agencies or units.

A detailed economic impact is provided in the economic impact statement that is available from the designated KDHE Livestock Waste Management program contact person or at the Livestock Waste Management website, as listed below.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained from the KDHE Livestock Waste Management website at <https://www.kdheks.gov/feedlots/index.html>, or by contacting Rachel Hammond at Rachel.Hammond2@ks.gov, phone 785-296-0076, or fax 785-559-4258. Questions pertaining to the proposed regulations should be directed to Erich Glave at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Rachel Hammond at the contact information above.

Any updated information on how to participate in the remote public hearing will be provided on the KDHE Livestock Waste Management Section website specified in this notice of hearing.

Lee A. Norman, M.D.
Secretary

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